



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

Frank D. Connell
Director

Suite 15300
1800 Century Boulevard
Atlanta, Georgia 30345
(404) 417-2100

NOTICE

(Notice MVD 2008- 11)

**RE: Proposed New Rule to the Department of Revenue, Motor Vehicle Division,
Chapter 560-10-21:**

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-10-21 of the Rules and Regulations of the State of Georgia by adopting:

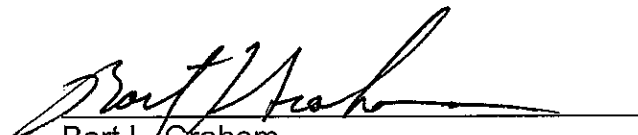
Rule 560-10-21-.17, entitled "Cancellation of Motor Vehicle Lost Certificate of Title or Motor Vehicle Certificate of Title Assigned But Not Registered With The Department or Statutorily Exempt Motor Vehicles Being Sold as Scrap or Parts."

Attached with this notice is an exact copy and synopsis of the proposed Rule. The proposed Rule is being adopted under the authority of O.C.G.A. § 40-3-3, 40-3-36, and 40-11-9.

The Department of Revenue shall consider the adoption of the above-referenced proposed Rule at 10:00 a.m., on Friday, January 9, 2008 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the above-referenced proposed Rule from interested persons no later than 10:00 a.m. on Friday, January 9, 2008. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-6651. **Please reference "Notice Number MVD 2008-6" on all comments.**

Dated: 12/8 2008


Bart L. Graham
Commissioner, Department of Revenue

**RULES
OF
DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION**

**CHAPTER 560-10-21
MOTOR VEHICLE CERTIFICATE OF TITLE FORMS**

SYNOPSIS

560-10-21-.17 Cancellation of Motor Vehicle Lost Certificate of Title or Motor Vehicle Certificate of Title Assigned But Not Registered With The Department or Statutorily Exempt Motor Vehicles Being Sold as Scrap or Parts.

This Rule is a new Rule addressing recent legislative changes concerning the sale of scrap motor vehicles which were previously incorporated in O.C.G.A. § 40-3-36.

The Rule provides for adoption of form MV1SP. Under specific conditions an owner of a scrap vehicle, who does not have a Georgia certificate of title, will be allowed to present a completed application form to a scrapped motor vehicle in lieu of a Georgia certificate of title.

Further, the Rule requires tow truck operators and impound yard owners to present supporting documents in order to use form MV1SP.

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**CHAPTER 560-10-21
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560-10-21-.17 Cancellation of Motor Vehicle Lost Certificate of Title or Motor Vehicle Certificate of Title Assigned But Not Registered with the Department or Statutorily Exempt Motor Vehicles Being Sold as Scrap or Parts.

(1) The Cancellation of Certificate of Title for Scrap Vehicles form MV1SP is adopted by the Commissioner as the form for use by the owner of the motor vehicle valued at \$750.00 or less, as the application to cancel:

- (a) A lost Georgia certificate of title; or
- (b) An owner's assigned certificate of title but not registered with the Department; or
- (c) A statutory exempted untitled motor vehicle; and
- (d) Being sold as a scrap or parts; and
- (e) Has not been declared a derelict vehicle.

(2) The term "Owner" shall be defined as set forth in O.C.G.A. § 40-1-1 Definitions.

(3) The form requesting cancellation of a Georgia certificate of title and registration shall be:

- (a) Submitted to the Department within seventy-two (72) hours of the purchase transaction of the motor vehicle by the licensed motor vehicle parts dealer or scrap metal processor.

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(b) A legible copy of the owner's driver's license shall be attached to form MV1SP with a copy submitted to the Department.

(4) This form requires an authorized signature from the motor vehicle owner. If the owner is not a natural person, the owner shall provide the full legal name of the firm, partnership (general or LLP), association, corporation (including a LLC), or trust. The owner of the legal entity shall provide documentation of the existence of the legal entity. In addition, the owner shall provide proof of authority to sign on behalf of and represent the legal entity. A sole proprietorship is not a legal entity; therefore the title issuance requirements for a natural person shall apply.

(5) All persons or businesses selling a motor vehicle or any scrapped metal or parts from a motor vehicle and using the form MV1SP shall present to the licensed motor vehicle parts dealer or scrap metal processor concurrently with the MV1SP:

(a) A completed bill of sale from the prior owner or appropriate court documents evidencing ownership; or

(b) A signed document indicating that such tow truck operator or impound yard owner is an authorized agent for the owner of the motor vehicle.

(6) The licensed motor vehicle parts dealer or scrap metal processor shall retain a copy of all documents required by this Regulation for a period of three years from the date of the transaction.

Authority: O.C.G.A. §§ 40-3-3, 40-3-36 and 40-11-9.

Cancellation of Certificate of Title for Scrap Vehicles

Vehicle Description				
Vehicle Identification Number	Make	Model Year	Model	Color
Owner or Authorized Agent				
Business Name				
First	Middle	Last	Driver's License # & State (attach copy)	
Street Address		City	State	Zip
<p>I declare that I am the owner or authorized agent of the owner, under penalty of perjury, that this cancellation has been examined by me and to the best of my knowledge and believe is true, correct and complete.</p> <ul style="list-style-type: none"> <input type="radio"/> There are no security interests or liens on this vehicle <input type="radio"/> I have not obtained a Certificate of Title on this vehicle or lost the Certificate of Title <input type="radio"/> The vehicle is 12 model years old or older <input type="radio"/> The vehicle is worth \$750.00 or less 				
Signature _____			Date _____	
Printed Name: _____			Title: _____	
<p>I understand and acknowledge that this vehicle will be dismantled or scrapped, will never have another Certificate of Title, this form will be filed with the Department of Revenue and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than \$1,000.00 nor more than \$5,000.00, or both, to knowingly falsify any information on this statement.</p> <p style="text-align: center;">Certification of Owner or Authorized Agent</p> <p>By signing this form, I understand that according to O.C.G.A. 40-2-90 "A person who, with fraudulent intent . . . (4) uses a false or fictitious name or address or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact in a application for a certificate of title . . . shall be guilty of a felony. Further, according to O.C.G.A. 40-2-94 "A person who . . . (4) willfully violates any other provision of this chapter shall be guilty of a misdemeanor."</p>				
Purchaser Section				
Purchaser's Legal Name				
Licensed Used Motor Vehicle Parts Dealer or Scrap Metal Processor Dealer Customer Number:				
Street Address	City	State	Zip	Business Phone #
<p>I certify that \$750 or less was paid to acquire this vehicle</p> <p>Signature _____ Date: _____</p> <p style="margin-left: 100px;">Signature of the Owner of the Business or Agent</p> <p>Printed Name: _____ Title: _____</p>				

Purchaser shall mail or deliver original, with attachments, within 72 hours to:

Department of Revenue – Motor Vehicle Division
1200 Tradeport Blvd
P O Box 740381
Atlanta, Ga. 30374-0381

Form must be typed or legibly printed. Errors or corrections void this form
 License Used Motor Vehicle Parts Dealer or Scrap Metal Processor must retain a copy of this form and a copy to the seller.
 10/6/2008



State of Georgia
Department of Revenue
Administrative Division – Tax Law & Policy Section

Memorandum

To: Commissioner Bart L. Graham
From: Tim Mitchell
CC: Mack Chandler, Frank O'Connell, Doug Hooper, J. D. Grant
Date: December 4, 2008
Re: Proposed Rule:

Rule 560-10-21-.17, entitled "Cancellation of Motor Vehicle Lost Certificate of Title or Motor Vehicle Certificate of Title Assigned But Not Registered With The Department or Statutorily Exempt Motor Vehicles Being Sold as Scrap or Parts."

Reason for Proposed Rule:

Rule 560-10-21-.17 is needed in order to provide necessary guidance concerning the cancellation of certificate of title for scrap/derelict vehicles.

This Rule has previously been promulgated by the Department and is being repromulgated in response to industry comments.

This Rule has been reviewed by MVD, TLP and the Law Department.

Promulgation deadlines, if applicable: It is requested that the Notice Page be signed no later than December 5, 2008.

Approved:

DEC. 05 2008

Disapproved:

Approved with Comment: